

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Approved, as Corrected, Minutes Thursday, June 27th, 2019**  
**Bethany Lutheran Church – Downstairs**

Member Susan Johnson called the meeting to order at 4:02

Present: Committee Members: Shelley Gonzales, Susan Johnson, Chany Ockert, Lou McGuire, and Jerry Sorensen. Public: approximately 6 members Planning and Zoning: Rachell Ezell, Donna Valade, and Mark Mussman.

Member Johnson stated that the agenda for the meeting had been modified. The application for Scott and Bernadette King would not be discussed at the meeting because the Board of Adjustment closed public comment on the application. The application will be discussed at the next Board of Adjustment meeting on July 2nd.

Additionally, Member Johnson corrects that the agenda incorrectly states that draft minutes and agendas are posted on the county website. The county only posts approved minutes and agendas, for access to draft minutes and agendas or any further questions individuals should email Planning and Zoning.

Member Johnson states that application FZC-19-07 listed on the agenda and submitted by Harlan & Lois Coverdale and Darrel E. & Loretta J. Coverdale had been modified slightly, as the meeting would be addressing Lot 2 of the application.

The agenda was adopted with the given modifications (m/s, McGuire/Sorenson) unanimous

Approval of draft minutes dated April 25th, 2019 (m/s, Soreson/Ockert) unanimous

**Administrator's report and announcements:**

Sign-in sheet with email addresses. Approved minutes and documents are posted on the County website: [flathead.mt.gov/planning\\_zoning](http://flathead.mt.gov/planning_zoning) Click on: [meeting information](#).

**Public Comment:**

None

**Applications:**

**FZC-19-07:** A zone change request from Sands Surveying, on behalf of Ronald K. & Carol J. Pierce and Jewel Basin Investments, LLC for properties in the Bigfork Zoning District. The proposal would change the zoning on property located at 7650 Highway 35 from split zoned *SAG-10 (Suburban Agricultural)* and *R-2 (One Family Limited Residential)* and the property

located at 7664 Highway 35 from *SAG-10 (Suburban Agricultural)* to *R-2 (One Family Limited Residential)*. The total acreage involved in the request is approximately 9.87 acres (Tract 5C contains 8.38 acres and Lot 1 of Amended Lot 1 Croskrey Court contains 1.49 acres).

**Staff Report:**

Donna Valade presented the staff report. Through this application, both property owners would like to be able to subdivide in the future. There have been 0 agency comments with no concerns. MDT noted that if the property subdivides or changes use in the future a new approach permit will be required. MDT also noted that there is a future project to reconstruct Highway 35 from Chapman Hill down south into Bigfork. What is needed for a right of way will be determined during the design process of this project. No public comment has been received. The Planning Board hearing is scheduled for July 10th and the Commissioners hearing is August 8th.

Q. Gonzales: Do we know when the Highway 35 project will take place? A. Valade: There has not been a date established.

Q. Ockert: Have any comments received about the annexing of water and sewer in this application? A. Valade: No.

Q. Ockert: Has there been any traffic findings from the settlement property nearby that MDT reviewed on the approach permits? A. Valade: Not that I am aware of.

Q. Sorensen: In order to be R-2 zoning, what would be the allowed density for this property? A. Valade: 2 dwelling units per acre.

Q. Gonzales: On page 17 of the report under item C-14, paragraph 2, you state that there will be 14, one-half acre lots, but on paragraph 4 you state there will be 19 lots with 19 dwellings. I am confused: what the number of dwellings are outside of the accessory dwellings? A. Valade: The statement under paragraph 2 is a direct quote from the applicant, the statement under paragraph 4 is my own configuration. There could be up to 19 dwellings.

Q. Johnson: In the letter from the Bonneville Power Administration, what is the meaning of the 10,492 acres? A. Valade: That is supposed to be 10,492 acres.

Q. Gonzales: On page 11, it states there will be the opportunity to add additional accessory units. To do this it would be under an Administrative CUP, which would take BLUAC out of the conversation. A. Valade: R-2 zoning makes the ACUP required.

**Applicant Report:**

The applicant was not in attendance. Eric Mulcahy represented the applicants, Ronald K. and Carol J. Pierce, through direction of their son. The applicant has no current plans for development. Chuck Anderson represented Jewel Basin Investments, who have a piece of property that is split zoned with 2 units on it. They would like to put a third unit on the property and to rectify the zoning.

Q. Gonzales: Does the acreage that is zoned R-2 to the south of the property go through to Icebox Canyon? When did that R-2 zoning occur? A. Mulcahy: that acreage reaches Icebox Canyon, I believe the zoning occurred in the early 90s.

Q. McGuire: Has a road recently been cut into that property area? A. Valade: No.

Q. Sorensen: Of the two properties you're working with, what is split between Pierce and the investment group? Pierce has 9 acres, and the investment group has 1.492 acres.

Q. Ockert: Will there be an additional subdivision on the joining of the properties in the future? A. Mulcahy: I do not know.

**Public Agency Comments:**

Julia Spencer remarks that the property is capable of being served by water and sewer.

**Public Comment:**

Ed Blackler stated that with this application as well as with future applications, it would be helpful to understand how much agricultural density will be lost to residential density. Blackler strongly recommended against the exchange of agricultural space for residential areas given current changes in climate conditions.

Member Gonzales and Donna Valade informed Blackler that this information is available to the public both online and through Planning and Zoning.

**Staff Reply:**

Q. Ockert: Could Rachel talk about the review by MDT? A. Ezell: They did not submit anything.

**Applicant Reply:**

Mulcahy reassured Blackler that the application does not affect any agricultural land.

**Committee Discussion:**

Committee Member Sorensen expressed approval for the application due to its creation of more suburban residential zoning given the city of Bigfork's need to grow. Sorensen emphasizes the need to keep the stress of traffic in mind moving forward.

Member Gonzales agreed with Sorensen, and suggests that there should be consideration to pave Bigfork Stage road in order to compensate for Bigfork's growth.

Member Ockert expresses that having affordable rental places is important through accessory dwelling development. She hopes the applicant will keep this in mind moving forward with their development.

**Findings of Fact:**

Q. McGuire: Are we assessing these findings of fact based off of the suggestion of change to the use of the land or the suggestion that there will be no change to the use of the land? I am concerned about the influx of traffic to this area, and this is not addressed in the findings of fact.

Member Sorensen shared this concern.

Finding of Fact #8 was modified to state that traffic impact needs to be assessed for every individual project.

Sorensen moved to adopt the findings of fact as amended. Gonzales seconded this motion. There was no discussion. The motion was passed unanimous.

**Committee Discussion and Vote:**

A motion to forward a recommendation to the Planning Board to approve FCZ-19-07 was made by McGuire and seconded by Sorensen. Ockert commented that the findings of fact did not cover some of the larger issues brought up by the public comments on the application. The motion to forward a recommendation to the planning board to approve the application was passed unanimous.

The Planning Board will hear the application on July 10th, 2019, at 6pm., in the 2nd floor conference room of the South Campus building at 40 11th Street West, Kalispell, MT.

**FZC-19-09:** A zone change request from Harlan & Louis Coverdell and Darrel E. & Loretta J. Coverdell for properties in the Bigfork Zoning District. The proposal would change the zoning on property located at 7480 Highway 35, Bigfork MT from *SAG-5 (Suburban Agricultural)* to *B-3 (Community Business)* and also change the zoning from *SAG-5 (Suburban Agricultural)* and *B-*

3 (*Community Business*) to B-3 (*Community Business*) on Lot 1A of the amended plat of Flathead Swan Junction Unit #2 and from SAG-5 (*Suburban Agriculture*) on Lot 2A of the amended part of Flathead Swan Junction Unit #2.

**Staff Report:**

Rachell Ezell presented the staff report. The applicant does not have any current commercial plans for the land. The lots in question are surrounded properties that are zoned B-3. There have been 5 agency comments, there were 0 concerns. There has been 0 public comment. The MDT commented that a future change in the use of the property would require the applicant to contact MDT in order to obtain a new approach permit. There are no current commercial plans for the lot. This application complies with the Bigfork Neighborhood Future Land Use Plan Map.

Q. Sorensen: Does this zoning change allow for rodeo? A. Ezell: Yes it does.

McGuire notes that this could mean implications of more traffic issues.

Q. McGuire: B-3 zoning allows for rodeo? A. Ezell: Yes.

Q. Ockert: In reading through the future uses of this application I noticed the mentioning of mixed uses on commercial property. What are the guidelines for mixed uses? A. Ezell: In the B-3 zoning there are standards in regards to mixed use zones: duplex, multi-family living, and buildings with dwellings in them are all limited in guidelines of development. The density is based on the minimum lot size.

Q. Sorensen: To confirm, is this the same zoning that is across the road at the corner store? A. Ezell: Yes.

Q. Gonzales: It was my understanding that B-3 zoning does not provide for a commercial recreation area, and that the applicant would need a CUP based on item number 3 in order to get a commercial recreation area. A. Ezell: Because the rodeo is a temporary event it is processed differently. In this case the temporary rodeo is under administrative conditional use.

Q. McGuire: SAG-5 zoning permits rodeo usage, whereas B-3 zoning does not, is that correct? A. Ezell: That is correct, because it is a temporary rodeo they do not need to have SAG-5 zoning. After having the land zoned as B-3 they would need to get a permit for the temporary rodeo.

Q. Ockert: Thinking in terms of suburban residential, and considering that this is a commercial area, does this then become an urban area? A. Ezell: This property is labeled commercial, if you consider commercial as urban then yes, this would be an urban area.

**Applicant Report:**

The applicant Harlan Coverdale presented the report. He expressed that the goal of this zoning change is to make their property one solid parcel of B-3 zoning between the two different parcels.

Gonzales comments that when the neighborhood plan was completed there had been planning for commercial nodes. She expresses that this application complies with the definition of a commercial node.

Q. Ockert: There is a project to bring workforce housing to Bigfork, would you be willing to discuss involvement in this project with your property that is designated as mixed use? A.

Coverdale: We have no plans for the property right now.

**Public Agency Comments:**

Julia Spencer remarks that none of the properties have been annexed into the district yet, but that they are all potentially able to be served by water and sewer.

**Public Comment:**

Ed Blackler comments that there is currently a rise of zoning to support commercial sprawl. He expresses concern that there are no guidelines protecting the aesthetic of the area in question, as it is the gateway to Bigfork. He reinforces that there should be guidelines to speak to the aesthetics of these types of areas.

Member Gonzales shows Mr. Blackler the zoning map of the area, and expresses that the details of the application make it so that BLUAC cannot put conditions on the zoning status.

**Staff Reply:**

None.

**Applicant Reply:**

None.

**Committee Discussion and Vote:**

Member McGuire comments that she agrees with the public comment made by Mr. Blackler that the aesthetics of the entrance to Bigfork must be preserved if it's going to be developed as a B-3 zone.

Member Ockert remarks that there had originally been a policy in The Neighborhood Plan that requested a subcommittee to create design standards for business development off of Highway 35 corridor. This request was denied, and a committee does not exist.

Member Sorensen remarks that he agrees with Member McGuire and Mr. Blackler on the need for design standards.

Member Ockert hopes the applicant would consider having a mixed use on the property in order to try and solve the housing issue Bigfork currently faces.

**Findings of Fact:**

Member Sorensen suggests that similar changes be made to this applications Findings of Fact as to the previous application. He believes the Findings of Fact need to address the potential for future traffic influx.

Member Sorensen moved to make the following alterations to the Findings of Fact:

1. Finding of Fact #8 be modified to state that traffic impact needs to be assessed for every individual project.
2. In the first line of Finding #12, the word “appears” be changed to “may be.”
3. After the last line of Finding #12, the phrase “However, attention should be given to the aesthetics of development and future architectural plans” be added.

The findings of fact were adopted with the modifications (m/s, Ockert/Sorensen) unanimous.

The endorsement to forward a recommendation to the planning board to approve the application (m/s, Sorensen/McGuire) unanimous.

The Planning Board will hear the application on July 10th, 2019, at 6pm., in the 2nd floor conference room of the South Campus building at 40 11th Street West, Kalispell, MT.

**Old Business:**

None.

**New Business:**

Mark Mussman presented a brief update on the short term rentals in the Bigfork Zoning area.

Mussman presents that since the establishment of short term rentals, the department has had 79 applications for short term rentals. Of the rentals, 22 of them are located in the Bigfork Planning Area. 2 of the applications were denied because they did not reach performance standards. These two applications were presented at a hearing for the Board of Adjustment. Both of the applications were denied. Most of the short term rentals in the area are under full compliance standards.

Q. Sorensen: Are the rental units primary or secondary units on the property? A. Mussman: Primary.

Mussman also expresses that most of the properties are managed by property managers. There has been little to no public comment about the use of the properties as short term rentals.

Q. Johnson: Are there penalties for the rentals that are not under compliance? A. Mussman: Operating a short term rental without the proper permitted use is considered a zoning violation, the penalties align with the penalties of a zoning violation.

Member Johnson announces the Election of officers for upcoming BLUAC term.

Susan Johnson was elected Chairman and Jerry Sorensen was elected Vice Chairman for the following term of BLUAC, ending on May 31st of 2020 (m/s, Gonzales/McGuire) unanimous.

Richard Michaud indicated interest in being appointed the BLUAC Committees Member at Large.

Michaud was elected Member at Large for the following term, ending on May 31st of 2020 (m/s, McGuire/Sorensen) unanimous.

**Adjourn:**

The meeting was adjourned at 5:39

Respectfully submitted by:

Grace Cady

Acting Recording Secretary



